

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alfredo Gonzalez	Team: Squad #3	CCRB Case #: 201708775	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 10/17/2017 4:30 PM	Location of Incident: East 59th Street and Lexington Avenue subway station	Precinct: 18	18 Mo. SOL 4/17/2019	EO SOL 4/17/2019	
Date/Time CV Reported Tue, 10/17/2017 9:42 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 10/23/2017 10:57 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DTS Paul Robinson	01399	931061	MTN PCT
2. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Atisha Samuel	14987	962772	MTN PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Force: Officers used physical force against § 87(2)(b)	
B.DTS Paul Robinson	Force: Detective Paul Robinson used physical force against § 87(2)(b)	
C.DTS Paul Robinson	Force: Detective Paul Robinson used physical force against § 87(2)(b)	
D.DTS Paul Robinson	Abuse: Detective Paul Robinson threatened to arrest § 87(2)(b)	

### Case Summary

§ 87(2)(b) filed this complaint with IAB on behalf of herself and § 87(2)(b) via telephone, on October 17, 2017. The CCRB received this complaint from IAB on October 23, 2017, under log number 17-40830. A short cell phone video was provided to the investigation by § 87(2)(b)'s attorney.

On October 17, 2017, at approximately 4:30 p.m., at the East 59<sup>th</sup> Street and Lexington Avenue subway station in Manhattan, transit officers removed § 87(2)(b) from the subway train and used physical force to place him under arrest (**Allegation A: Force**, § 87(2)(g)). § 87(2)(b) and other students inside of the subway train exited to train to observe the incident, during which Det. Paul Robinson of the 18<sup>th</sup> Precinct pushed § 87(2)(b) placed her against a wall, and placed her under arrest (**Allegation B: Force**, § 87(2)(g)). After § 87(2)(b) was handcuffed, Det. Robinson allegedly swept her legs from behind her, causing her to fall onto the ground (**Allegation C: Force**, § 87(2)(g)). Afterward, § 87(2)(b) was removed from the subway station and placed inside of a police vehicle, during which Det. Robinson allegedly stated that he could “make it worse” for § 87(2)(b) and send her with the other arrested individual, § 87(2)(b) (**Allegation D: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) was transported to the 18<sup>th</sup> Precinct stationhouse, where she was released with a summons for § 87(2)(b).

### Findings and Recommendations

#### Allegation (A) Force: Officers used physical force against § 87(2)(b)

§ 87(2)(b) was uncooperative and did not provide a verified statement to the CCRB; however, he did provide a phone statement in which he stated that he was in a subway train traveling northbound with some friends, during which he and his friends were “being loud or whatever.” At some point, two officers spoke to him and told him that he was being too noisy and that people were complaining. The officers told § 87(2)(b) to keep his voice down multiple times. At some point, one of the officers commanded § 87(2)(b) to get off the train, but § 87(2)(b) refused, told the officer that he would not get off the train, and sat down. At the 59<sup>th</sup> Street and Lexington Avenue subway station, the officer told the conductor that the train would not move until § 87(2)(b) got off, but § 87(2)(b) continued to refuse to leave the train. Eventually, § 87(2)(b) got up with the intention of leaving the train, but the officer grabbed § 87(2)(b) on his upper chest, pulled him off the train, and pushed his body against a wall on the platform. § 87(2)(b) then pushed his body against the officer to defend himself. The second officer then “tackled” § 87(2)(b) to the ground. While on the ground, § 87(2)(b) resisted the officers’ efforts to handcuff him by moving his hands and attempting to put them in his pocket (BR 01).

§ 87(2)(b) noted that she boarded the northbound 4 or 5 train at the Bowling Green Station with approximately ten other students. While traveling, the students were making noise and being loud at one end of the vehicle. At the 59<sup>th</sup> Street and Lexington Avenue subway station, the officers asked § 87(2)(b) and a second unidentified male to exit the subway train, but they refused. An officer then began yelling and told them that the train would not move until they exited. An officer then grabbed § 87(2)(b) by his bicep, after which § 87(2)(b) grabbed the officer and the two subsequently pushed each other until the officer physically removed § 87(2)(b) from the train and pushed him against a wall.

§ 87(2)(g)

Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. NY Patrol Guide, Section 221-01 (BR 02).

§ 87(2)(g)

**Allegation (B) Force: Detective Paul Robinson used physical force against § 87(2)(b)**

§ 87(2)(b) alleged that as the two officers were arresting § 87(2)(b) on the platform, five to ten additional officers arrived at the location. The additional officers instructed everyone that had exited the train to “back up.” § 87(2)(b) noted that she and the other students were backing up, and she emphasized that the students were not surrounding the officers and the arrested individual or attempting to get involved with § 87(2)(b)’s arrest. § 87(2)(b) also noted that she was “far enough” away from the altercation, but she was unable to estimate distance. Det. Robinson then approached § 87(2)(b) told her to back up, and grabbed her on her left arm, after which § 87(2)(b) stated, “Get off of me. I can walk on my own. There’s no need to put your hands on me.” Det. Robinson then pushed § 87(2)(b) forward while still grabbing onto her left arm. § 87(2)(b) reacted to Det. Robinson’s push by turning around to face him, after which Det. Robinson grabbed § 87(2)(b)’s arms, placed them behind her, and pushed her against a wall on the platform. § 87(2)(b)’s chest and head made contact with the wall during this process, causing her some pain. § 87(2)(b) was then placed in handcuffs.

Det. Robinson stated that he and PO Samuel responded to the location after a transit officer requested assistance. Upon arrival to the platform, Det. Robinson observed four officers struggling to apprehend a male and a large crowd of approximately 50 people surrounding the officers. Det. Robinson then began dispersing the crowd to ensure that the crowd did not interfere with the arrest and to ensure that everyone remained safe. Det. Robinson explained that the struggle with the male was occurring behind him and the crowd was in front and to the side of him. Det. Robinson believed that something occurred behind him because he heard the crowd state, “Oh shit,” and, “Oh fuck.” Approximately five people from the crowd then started “rushing” forward towards the area where § 87(2)(b) was being arrested, which prompted Det. Robinson to start holding the crowd back and telling the crowd to clear out. § 87(2)(b) did not react to Det. Robinson’s command to move and just stood there, so he walked to § 87(2)(b) and stated to her, “Come on. Let’s clear out.” § 87(2)(b) responded to Det. Robinson, “No, I ain’t moving,” and, “Don’t touch me.” Det. Robinson then put his hand on her arm, and § 87(2)(b) moved her arm as if to shrug Det. Robinson off. Det. Robinson then placed his hand on § 87(2)(b)’s shoulder blades and pushed her toward the end of the platform. Immediately after, § 87(2)(b) turned around and “came at” Det. Robinson – which Det. Robinson

interpreted as a sign of aggression – so he made the decision to place her under arrest. As Det. Robinson went to place her in handcuffs, § 87(2)(b) resisted “a little bit” by moving away and not allowing Det. Robinson to handcuff her. Det. Robinson got § 87(2)(b) to the wall on the platform and then managed to handcuff her with the aid of PO Samuel. Det. Robinson denied that he slammed § 87(2)(b) against the wall, and § 87(2)(b) did not complain that her head and chest were hit against the wall.

PO Samuel’s statement was generally consistent with Det. Robinson’s, except that she did not recall many details about how § 87(2)(b) was placed in handcuffs. She denied that Det. Robinson slammed § 87(2)(b) against a wall.



201708775\_20171218\_1049\_DM.mp4

(BR 03)

A cellphone video provided by § 87(2)(b)’s attorney shows Det. Robinson telling civilians to “back up.” Det. Robinson then approaches § 87(2)(b) who is next to a pillar on the platform, and makes contact with her left shoulder with his right hand and points his left hand towards the other students that have moved. § 87(2)(b) takes a step forward, stops, and then states, “Don’t touch me.” Det. Robinson then proceeds to push § 87(2)(b) on her back with two hands, causing her to move forward two or three steps. § 87(2)(b) then turns around immediately to face Det. Robinson, steps forward, raises her right arm, and points her index finger at Det. Robinson. Det. Robinson then grabs § 87(2)(b)’s right wrist, puts a handcuff around it, and moves § 87(2)(b) towards the wall on the platform and places her against it.

Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. NY Patrol Guide, Section 221-01 (BR 02).

§ 87(2)(g)

[REDACTED]

**Allegation (C) Force: Detective Paul Robinson used physical force against § 87(2)(b)**

[REDACTED]

§ 87(2)(b) alleged that after she was in handcuffs, Det. Robinson commanded her to sit on the ground and then grabbed her arm and attempted to pull her down. § 87(2)(b) was unable to sit down, which she communicated to Det. Robinson. § 87(2)(b) also told Det. Robinson to get off her because his pulling was hurting her. Det. Robinson then “swept” her legs

from behind, causing her to fall back onto the ground and land on her buttocks. § 87(2)(b) noted that she sustained a bruise on her thigh due to this action.

Det. Robinson acknowledged that § 87(2)(b) was made to sit down on the ground, but he did not recall sweeping or kicking her feet to get her to sit down. He added that he believed that he just twisted her around her waist area and turned her around, after which she “fell on her butt,” but she “did not fall down hard.” Det. Robinson further stated that the action was controlled given that he was grabbing one arm while an unidentified officer grabbed her other arm.

PO Samuel recalled that § 87(2)(b) was made to sit down on the ground after she was placed in handcuffs, but she could not recall how she was made to sit down. PO Samuel did not observe Det. Robinson kick or sweep § 87(2)(b)'s feet to get her to sit on the ground.

Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. NY Patrol Guide, Section 221-00 (BR 02).

§ 87(2)(g)

[REDACTED]

**Allegation (D) Abuse of Authority: Detective Paul Robinson threatened to arrest** § 87(2)(b)

§ 87(2)(b) alleged that after she was placed inside of Det. Robinson's police vehicle, Det. Robinson stated to her, “I came make it so much worse for you. I can send you with the other kid. They can give you time.” § 87(2)(b) interpreted Det. Robinson's statement to mean that she need to do what he said or he would charge her with something.

Det. Robinson denied that he told § 87(2)(b) that he could make it worse for her and that he could give her time, and he also denied that he threatened to put § 87(2)(b) through the system. Det. Robinson emphasized that he actually told § 87(2)(b) that he was not going to give her a NYSID and did not want her to go through the system. PO Samuel denied that Det. Robinson told § 87(2)(b) that he could make things worse for her or that he threatened to put her through the system.

§ 87(2)(g)

[REDACTED]

**Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 04).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 05).

- Det. Robinson has been a member-of-service for 16 years and has been a subject in 13 CCRB complaints and 33 allegations, of which three were substantiated.
  - CCRB 201801655 involved substantiated allegations of discourtesy and sexual misconduct. The Board recommended formalized training and the NYPD has not yet imposed discipline.
  - § 87(2)(g) [REDACTED]

### **Mediation, Civil and Criminal Histories**

- This case was unsuitable for mediation.
- As of March 16, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (BR 06, 07).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]

---

Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_

Signature	Print Title & Name	Date
-----------	--------------------	------

Squad Leader: \_\_\_\_\_

Signature	Print Title & Name	Date
-----------	--------------------	------

Reviewer: \_\_\_\_\_

Signature	Print Title & Name	Date
-----------	--------------------	------